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12  
 13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA

15 ROSEANN MITCHELL, *et al.*,

16 Plaintiffs,

17 vs.

18 MEDTRONIC, INC., *et al.*,

19 Defendants.

Case No. 3:07-cv-6352-JCS

**STIPULATION TO STAY PROCEEDINGS  
 PENDING JUDICIAL PANEL ON  
 MULTIDISTRICT LITIGATION'S  
 DECISION ON PENDING MDL MOTIONS  
 AND STIPULATION TO HOLD EARLY  
 DEPOSITION**

Compl. Filed: October 19, 2007  
 Trial Date: None Set

Honorable John C. Spero

REED SMITH LLP  
 A limited liability partnership formed in the State of Delaware

1 This case involves allegations that defendant Medtronic, Inc.'s Sprint Fidelis Leads caused  
2 injury to plaintiff Roseann Mitchell and her family. Over three dozen lawsuits involving similar  
3 claims are pending in District Courts around the country. Several plaintiffs in those cases have filed  
4 pleadings with the Judicial Panel on Multidistrict Litigation requesting that an MDL be formed to  
5 handle this litigation in a single District Court for the sake of just and efficient resolution of common  
6 pretrial issues. No party has opposed MDL treatment of this litigation. The Panel has set the  
7 pending MDL motions for oral argument on January 30, 2008, and the parties expect the Panel will  
8 issue an order by the end of February 2008.

9  
10 In the interest of conserving judicial resources and avoiding potentially duplicative pretrial  
11 proceedings in this case, the parties hereby stipulate and agree to a stay of all proceedings in this  
12 action pending the JPML's decision on pending MDL motions. In addition, plaintiffs agree that  
13 federal diversity jurisdiction is appropriate in this case, and will not seek remand of this case to state  
14 court at anytime.

15  
16 Further, pursuant to Federal Rule of Civil Procedure 30(a)(2)(C), the parties stipulate and  
17 agree to an early deposition of plaintiff Roseann Mitchell based upon her physician's assertion that  
18 she is suffering from terminal congestive heart failure and is on hospice care. Without waiving any  
19 of its rights and without prejudice to its right to obtain a further deposition of plaintiff in the  
20 litigation, defendant agrees to such a deposition, on a mutually agreeable date yet to be determined,  
21 but in any event no earlier than January 10, 2008, on the condition that plaintiffs provide medical  
22 records sufficient to allow counsel for Medtronic to adequately prepare for deposition at least ten  
23 (10) days prior to the deposition. To the extent such records are not made available or unavailable,  
24 the parties will meet and confer following notice from plaintiff's counsel concerning the available  
25 records and timing of production of same to minimize the prejudice to defendant.

1 DATED: December 21, 2007.

Respectfully submitted,

REED SMITH LLP

By 

Sonia S. Weissman  
Dana A. Blanton  
Attorneys for Defendant  
Medtronic, Inc.

2 DATED: December 21, 2007.

Respectfully submitted,

HERSH & HERSH

By 

Rachel Abrams  
Attorneys for Plaintiffs

14 PURSUANT TO STIPULATION, IT IS SO ORDERED.

15 DATED: December \_\_, 2007

17 \_\_\_\_\_  
Honorable John C. Spero

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